

TOWN OF BAR HARBOR
Planning Department

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Anne M. Krieg, AICP

Planning Director

January 26, 2009

Tyler Sterling
Real Estate Development
Hannaford Bros. Co.
145 Pleasant Hill Road
Scarborough, Maine 04074

Dear Mr. Sterling:

Thank you and your team for meeting with me last Friday, the 23rd of January at 10:00 AM. This letter is to confirm our conversation, clarify my comments, and offer any follow-up actions to our meeting. The properties we spoke about for a possible 34,000SF Hannaford store are located on Route 102 in the Town Hill area (Assessors Map 227, Lots 13 and 15).

This was the first meeting my department has had with your company. Your attorney, Charles Craig, had called me in the past with general questions on the Comprehensive Plan, the Town Hill mini-plan as well as some clarifying questions on the Land Use Ordinance. He had not indicated who his client was during these conversations.

To reiterate and clarify early staff observations and comments on your possible application, I offer the following:

The 2007 Comprehensive Plan was voted and passed with a wide margin at the November 2007 Town Meeting. It has been found consistent with state goals from the Maine State Planning Office. The language for Town Hill in Strategy 2G11: includes the following:

In designated **TOWN HILL VILLAGE AREAS**, the Town's land use policy permits smaller lot sizes and uses, similar to what currently exist in the areas. New nonresidential uses, including community facilities, small scale, retail, office, service, and other nonresidential uses appropriate to a village, shall be allowed. The array of allowed commercial and business uses shall be greater than that allowed in **NEW VILLAGE AREAS**, although the scale and intensity of development shall reflect standards to assure that the uses are good neighbors to nearby residential neighborhoods and properties. Existing nonresidential uses that are not necessarily neighborhood-oriented, particularly those located along Route 102, shall continue to be allowed. These, however, may only undertake limited expansion as part of overall renovation and maintenance necessary to allow for continued economic operation of the properties. Development standards shall

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assure that any property that is expanded, converted, or developed in these areas, especially in historic districts, maintains the existing placement and design of buildings, restricts the use of front yards for parking and storage, provides sufficient off-street parking including satellite parking lots, controls access to serve the new uses, is well landscaped and protects adjacent areas from adverse impacts of the change. New buildings must be compatible with the historic character in terms of scale, placement, and use of materials. Development proposals shall undergo design review to assure compliance with these standards and a safe, comfortable and attractive pedestrian environment. Density of residential and nonresidential land uses shall reflect a higher density than what occurs in other parts of Town Hill. To this end, density of **TOWN HILL VILLAGE** shall be at least two dwelling units per acre where public sewer is not available and where soils and nutrient loading allows and at least four dwelling units per acre if sewer becomes available.

As we reviewed, staff is currently working on a mini-plan for Town Hill with residents to finalize this strategy as to its area definition for the Land Use Plan (and ultimately zoning district lines) as noted in Policy 2G:

It is essential that the Town understand the standards of design that will allow for greater density of development and produce desirable *villages*. Such standards should relate both to new construction and to rehabilitations and conversions of existing structures. They must demonstrate that a compact form of development will not threaten the value and character of established neighborhoods or natural systems, most notably, water quality. The standards must also be acceptable to the consumer who has become used to suburban choices (dead end streets, large lots, etc.). If necessary, the Town should seek assistance from design professionals.

Seven major types of growth areas, and two sub-areas, are designated and described on the Future Land Use map. These areas shall be refined during the implementation phase of the Land Use Plan.

The USGS *Nutrient Load and Estuarine Response Decision Support System* model, presented to the Town in April 2005, shall help the Town finalize locations of and conditions under which development takes place in the Northeast Creek watershed to reduce the nutrient load of built-out areas. The approach to creation of **TOWN HILL VILLAGE** will be further refined in a future planning process.

The noted mini-plan also seeks to determine land use ordinance changes to confirm these policies.

It will be crucial to the process for Hannaford to illustrate clearly how the proposed project meets the Comprehensive Plan.

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You presented a plan in sketch form to me. I offered the following early comments using the current land use ordinance requirements as a guide:

- The building should be as close to the front setback line as possible to retain the village building placement. The building should be turned to keep the narrowest part of the building to the street line. This shift will attempt to respect the smaller scale edge that is in the current Town Hill streetscape.
- Parking should be in the rear of the building, or less preferable, to the side but not in the front of the building. Turning the building to the side allows for a front door access to parking on the side. Buildings in Town Hill typically are oriented to the street with their accessory needs to the side and rear thus it's important to retain these elements.
- There are also ever increasing traffic issues in the area of your proposed site. The intersection of Knox Road, Crooked Road and Route 102 is dangerous both for sight distance and maneuvering. A potential larger-scale retail area will assuredly need to prepare a traffic study to address this intersection as well as the impacts overall to Route 102.
- Partnerships for alternative wastewater systems should also be considered. As the town is moving through this final planning process for Town Hill, there is a growing concern of adequate wastewater treatment. Recent groundwater studies have shown that there may water quality issues as the town continues to grow. Your participation in these efforts would help the area grow healthy and respectful of fragile watersheds. Please also note the town has new groundwater standards as part of the site plan process.
- There are also area concerns about water usage needs as to quantity. Any site plan studies should include a discussion on water needs for a store of this size. A test well will likely be necessary.
- All lighting will need to adhere to our new lighting ordinance, which seeks to ensure all new developments use minimal lighting for security and wayfinding purposes. Our signage ordinance seeks a similar goal, safety, way-finding and convenience.
- The proposed site has regulated wetlands. Wetlands 2 acres or more in size (including forested wetlands) are protected with a 75' setback.

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- Exceeding the town's parking standards will be important to justify as well. Any market studies that elucidate the turnover rates and other effects from business operations to parking needs will be helpful.
- Access to the site for pedestrians will also be important as another characteristic of the mini-plan is to plan for better pedestrian connections.
- Full statements on business operations will also be necessary. These should include any future plans for the existing facility on Cottage Street.
- Discussions with Department Heads for technical reviews will be coordinated when a filing completeness review is received. We will schedule what is known as a Development Review Team meeting which is comprised of the reviewing departments: Public Works, Police, Fire and Code Enforcement. Due to the nature and location of the business, however, I encourage you to speak directly with our Fire Chief, David Rand to discuss emergency needs at your earliest convenience. Other public safety and traffic needs should also be discussed soon with the Police Chief, Nathan Young.

Public outreach was discussed at length. I reiterate my recommendations on how to work with the public in a positive manner:

- ⊞ I would recommend that you meet with the Planning Board in an informal workshop at your earliest convenience and before you file a formal application. This allows time with the reviewing authority for them to give you comments on your plan before it is finalized and to confirm the staff recommendations above. The role of staff is assisting the Board in their reviews of applications; however their final authority is always respected. We are also here to assist you, as applicants, through the process.
- ⊞ As we discussed, the Town Hill Mini-Plan Charrette scheduled for February 11th, 2009 at 5:30 PM in the Town Hill VIS is an excellent method to work directly with the area residents. It will also assist our process in planning for the future of the area. I continue to encourage you to look at the existing documents on Town Hill at the Planning Department's website. Public comments include concerns of larger developments in Town Hill.

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- ⊞ Going directly to the Town Hill Village Improvement Society meetings is another method to work directly with the neighborhood. Union Trust, when they sought to open a branch in Town Hill, met directly with the Town Hill VIS to come up with a site that would work within and not against or in conflict with its environs. They are considered an excellent model of a business working within the existing fabric of a neighborhood by meeting with this group separate from the requisite process.

I hope this recapture of our meeting assists you in preparing for a possible development at this site. I hope we will seek a solution for a site development that pays due respect to the Comprehensive Plan.

Please do not hesitate to call me and schedule phone conversations or appointments at any time during the process.

Sincerely,

Anne M. Krieg, AICP
Bar Harbor Planning Director

Cc: Town Manager
Town of Bar Harbor Department Heads
Planning Board members
Town Hill VIS officers

Sent also as a press release